

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No. CV 08-4511-CJC (OP) Date: August 20, 2008

Title: Jeffrey Andre Hill v. D. K. Sisto

☐ U.S. DISTRICT JUDGE

PRESENT: THE HONORABLE OSWALD PARADA

☒ MAGISTRATE JUDGE

<u>Maynor Galvez</u>	<u>N/A</u>	<u>N/A</u>
Deputy Clerk	Court Reporter / Recorder	Tape No.

ATTORNEYS PRESENT FOR PLAINTIFFS:
NONE

ATTORNEYS PRESENT FOR DEFENDANTS:
NONE

PROCEEDINGS: (IN CHAMBERS: ORDER RE: STAY OF PROCEEDINGS)

On July 10, 2008, Petitioner filed the current Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. Petitioner challenges the California Board of Prison Term's ("Board") decision finding his unsuitable for parole after a subsequent parole suitability hearing. On July 17, 2008, the Court issued an Order Requiring Response to Petition. On August 14, 2008, Respondent filed a Request For Stay Pending Issuance of the Mandate in Hayward.

In Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), the Ninth Circuit found that the denial of the petitioner's release on parole violated due process. On May 16, 2008, the Ninth Circuit ordered that Hayward be reheard en banc. Hayward v. Marshall, 527 F.3d 797 (9th Cir. 2008). In that order, the Ninth Circuit stated that the "three-judge panel opinion shall not be cited as precedent by or to any court in the Ninth Circuit." Id. In light of the applicability of Hayward to the issues raised in the current Petition, the Court grants Respondent's request. This matter is hereby stayed pending the outcome of the aforementioned rehearing en banc.

Within fourteen (14) days of the issuance of the Ninth Circuit's en banc decision in Hayward, Respondent shall serve a copy of the decision upon Petitioner and shall notify this Court of the decision.

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Thereafter, the stay of the current proceedings shall be lifted, and Respondent shall comply with the Court's July 17, 2008, Order Requiring Response to Petition. The parties shall comply with all other provisions of that order.

IT IS SO ORDERED.

cc: All Parties of Record

Initials of Deputy Clerk mq

CV-90 (10/98)

CIVIL MINUTES - GENERAL